S.B. CR.MISC.BAIL APPL.NO.7010/2007.

Arif Vs. State

Date of order : 1/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Prashant Chahar for the petitioner.
Shri Harshvardhan Nandvana PP for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the allegation against the petitioner is that he committed theft of one Car and was on the same day apprehended by the police while he was trying to sell it out. Challan in the matter has been filed for offence u/S.379 IPC and detention of the petitioner is no longer required for any other purposes. It was argued that offence of Section 379 IPC allegedly committed by the petitioner is punishable by three years imprisonment and is triable by the court of Magistrate of Ist Class and except the present one, no other previous criminal case has ever been registered against the petitioner. The trial of the case will take a long time.

Learned Public Prosecutor has opposed the bail application and argued that in view of nature of allegations against the petitioner, he is not entitled

to enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Arif S/o Mohammad Iliyas shall be released on bail in F.I.R. No.254/2007 P.S. Bhiwadi for offence under Section 379 IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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